

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Darryl B. Kaplan,

Plaintiff,

v.

Case No. 09-10047

Experian, Incorporated, *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER DENYING
PLAINTIFF'S MOTION FOR RECONSIDERATION (DOCKET ENTRY NO. 97)

Plaintiff Darryl Kaplan ("Plaintiff") brought this action against Defendant Experian, Inc. ("Experian"), and two other credit reporting agencies, asserting that each agency violated the Fair Credit Reporting Act ("FCRA").

On April 9, 2010, this Court issued an Opinion & Order granting summary judgment in favor of Defendant Experian. In an Order issued on April 21, 2010, however, the Court set aside the original opinion because it had been issued without the benefit of Plaintiff's Reply Brief and attached affidavit.

After reviewing that Reply Brief and Affidavit, the Court issued an Amended Opinion & Order granting summary judgment in favor of Experian on May 26, 2010. On June 9, 2010, Plaintiff filed the instant Motion for Reconsideration of that Opinion & Order.

Local Rule 7.1(g) provides that a motion for reconsideration should only be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and

that a different disposition of the case must result from a correction of such a palpable defect. L.R. 7.1(g). Local Rule 7.1(g) further provides that “the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.”

Here, Plaintiff urges the Court to reverse its summary judgment ruling based on factual and legal arguments that were not advanced during the briefing of the motion. “However, a motion for reconsideration is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.” *Smith v. Mount Pleasant Public Schools*, 298 F.Supp.2d 636, 637 (E.D. Mich. 2003); *see also Sault St. Marie Tribe of Chippewa Indians v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(holding that a party is not permitted to raise new legal arguments on a motion for reconsideration that could have been raised earlier).

The Court concludes that Plaintiff’s motion fails to identify a palpable defect with the May 26, 2010 Opinion & Order. According, IT IS ORDERED that Plaintiff’s Motion for Reconsideration is DENIED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 20, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 20, 2010, by electronic and/or ordinary mail.

Jennifer Hernandez
Case Manager